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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. McCoy  
Serial No.: 10/721,676 Examiner: Elizabeth A. Shaw  
Filed: November 26, 2003 Group: 3644 Attorney file: 5828  
For: IMPROVED SAFETY RELEASE ATTACHMENT FOR STIRRUP

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by

Marvin Jacobson  
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9-3-04

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Official Action dated July 27, 2004.

Applicant takes exception to and traverses the rejection of claim 1 under 35 U.S.C. 103 as being obvious over the combination of the Bradford, et al. Patent 4,869,053 and Brown 4,996,316.

Applicant acknowledges the relevancy of the '053 patent which is a forerunner for the instant improvement patent application. However, the only thing in common between Bradford, et al. and Brown is that they are both aimed at providing a safety device for a horse rider. The two devices operate in totally different fashion. The patented Brown device has a cantilevered footpad supporting lower base which bends open to allow the riders foot to be released in the event of a fall whereas Bradford, et al. utilizes spring-loaded rods to disengage the ends of the stirrup so that the entire stirrup falls away from the stirrup strap. The Examiner uses the words of the instant claims in an effort to correlate the elements of the claims to the presumably corresponding elements in Brown but does not use the same identifications or descriptions of these elements as Brown does in the patent text. The Examiner refers to Brown's "spring-loaded rod 15" but Brown describes this as a "shock-absorbing mechanism 15" and therein lies the dissimilarity between the elements in

Brown and the elements in claim 1 of the instant application. Brown's combination of a spring 46, shank 44, washers 48 and 50 and nut 52 provide a shock-absorbing function as described in column 3, lines 46, et seq., in Brown and have no relationship to the safety release aspect. The washers 48 and 50 serve no function as a bearing as set forth in claim 1 of the instant application but serve merely as retainers.

Claim 1 has been amended to set forth more clearly the difference between the improvements of the instant application and the Brown reference.

Applicant acknowledges the allowability of the subject matter of claim 2 with the provision that it be rewritten in independent form. In view of the fact that claim 1 as amended herein is patentably distinct over the cited reference, claim 2 should now be allowable in its present form.

In view of the foregoing, the application now appears to be in condition for allowance and an early notice to that effect is respectfully requested.

Respectfully submitted,

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